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ABSTRACT

Since a 1979 coup, El Salvador has been ruled by a civilian-military junta supported by the oligarchy; officially, the junta is committed to social and economic reforms. Civilian guerrillas oppose the government which they believe is not interested in real reform. The United States supplies financial and military aid to the junta and believes the guerrillas to be Cuban and Soviet incited and supported and therefore a threat to U.S. national security. Fear for their lives and the inability to make a living have forced many Salvadorans to leave their country and become refugees in Central America, nearby Honduras, Guatemala, and Mexico. Recently, efforts have been made to remove refugees from Honduras in order to clear the boarders of guerrilla sympathizers. Thousands of Salvadorans attempting to enter the U.S. have been denied political asylum because U.S. policy supports the Salvadoran government. Those Salvadorans who have been apprehended for entering the U.S. illegally are jailed, denied due process, and in most cases forcibly returned to El Salvador where they face possible death. Salvadorans in U.S. detention centers have to deal with enormous psychological pressures, poor living conditions, and inadequate legal advice and assistance. A humane concern for Salvadorans, whose lives would be endangered by deportation, ought to override political considerations concerning action in El Salvador. (Author/MJL)

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EL SALVADOR AND ITS REFUGEES

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Present situation in El Salvador

El Salvador has a population of nearly 5 million, 90% of whom are of mixed Indian and Spanish extraction. About 60% live in rural areas. Illiteracy and underemployment (unemployment and underemployment) are both about 50%. The pressure on the limited arable land is severe. 75% of the population receive an inadequate diet, primarily because of the extreme maldistribution of the land and the concentration of export crops on arable land instead of food crops. In the past, an oligarchy (sometimes called the "Fourteen Families") controlled most of the country's wealth, i.e. its banks, coffee and sugar plantations, and exports.

For over 50 years the government of El Salvador has been headed by presidents drawn from military ranks and the army has been at the service of, and supported by, the oligarchy. After two manipulated elections in the 1970's a civilian-military junta took over the government through a coup in October 1979. When the civilian members of the junta resigned because the military exerted an overwhelming power, the military officers in the junta, in order to keep a civilian profile, invited Jose Napoleon Duarte, a moderate civilian leader,to become president.

Officially, the junta is committed to social and economic reforms and respect for human rights. However, the wide spectrum from middle to extreme rightist interests represented in the junta's government, makes it difficult to implement even moderate reforms. Reforms which could make a true impact on the maldistribution of wealth stand even less of a chance for success. The idea of reforms provoked a tremendous opposition from the oligarchs. Seeing their positions and control threatened, many members of the oligarchy have fled the country, a large number going to Guatemala City and Miami, where they and their fortunes were welcomed. From their new locations of safety, they continue to influence affairs in El Salvador by lobbying for their interests and by financing military, especially right wing extremist activities in El Salvador. The El Salvador Freedom Foundation in Florida is one example. Under the leadership of one conservative oligarch, Orlando de Sola, it is a lobbying and public relations group of exiled oligarchs, some of whose members are well known to conservative circles of Capitol Hill.

The various groups represented in the present government of El Salvador operate quite independently. Thus, in addition to government military and security forces, there is a variety of rightwing paramilitary groups and deathsquads fighting the guerillas. For example, ORDEN, which contributes heavily to the present violence against civilians, is a paramilitary group founded in 1960. ORDEN began as a rural police organization which had close ties to the landowners, security officers and government officials and which was under the direction of active and retired officers. Though officially disbanded by the junta, ORDEN continues to be one of the groups operating independently. It is financed by private individuals abroad but maintains its ties with the regular forces. Some members of the National Guard are known to simply change uniforms to participate in ORDEN.

In March 1980, the junta announced a three phase program of reforms. As a first step, all estates larger than 1,250 acres were to expropriated and all export marketing of primary products (coffee, sugar, cotton) and banks to be nationalized. Later reforms were to expropriate middle sized farms and give land to landless peasants. The government has gained some control over, and profits from, exports, but land reform has not proceded far. In some cases where large estates were expropriated and landless peasants started to form cooperatives in the manner prescribed by the reform plan, government forces killed their leaders for being subversive. Since these leaders were the very officers who were to implement the government's land reform, many people no longer believe in the possibility of true reforms under the present government.

The junta's attempt to eradicate all opposition through indiscriminate killings of civilians has further increased this sense of distrust. Church officials in El Salvador estimate that about 80% of the population oppose the government. There can be little doubt that the guerillas, who are far outnumbered by government forces, demand a high level of support from the people. Without such support they could not function as they do in a countryside that is extremely densely populated. Terrorizing the population would be certain to have an adversive effect on their activities. The general consensus among refugees and informed people who have no vested interest in the present U.S. policy toward El Salvador is that the guerillas, unlike the government forces, select their targets on the basis of military and economic effects.

The U.S. government has been providing massive financial aid ($5.7 mill. in April 1980, $25 mill. in Jan. 1982, more is under consideration) and military advisors to the junta. Officially American aid is tied to an improving human rights record,but so far, government certification notwithstanding, there is no sign (certainly no proof) that this record is improving. Government forces massacred civilian Salvadorans crossing the Honduran border, 600 persons in May 1980, 200 persons in March 1981. Most of these people were women, children and older people. Refugees from El Salvador consistently report that rightist and government military killed and mutilated innocent civilians. According to the Archdiocesan Legal Aid Office in El Salvador, 66% of all documented assassinations were committed by government security forces, 14% by right wing death squads. This overall estimate of who is responsible for most of the indiscriminate killings is also supported by Amnesty International.

The U.S. follows the policy it does because it perceives the guerilla forces as a threat to U.S. national security. It views the guerillas as Cuban and Soviet incited and supported, not as a rebellion against a long-standing unjust economic system. It further argues that if El Salvador "falls", other Central American nations will follow. Opposition to the official U.S. policy within Congress and among the American people has been growing.

Mexico and France have given public support to the guerillas. So has the Catholic Church, a longterm supporter of the oligarchy in the past.

An end to the conflict is not in sight. The junta has called for elections in March 1982, but its opposition holds that in the present climate of violence fair elections cannot be held. The opposing parties fear that if they submitted a list of at least 3000 party members, as is required by the junta for participation in the elections, these lists would serve as deathlists. They suggest mediation of the conflict with the help of a third party, an approach which has been rejected by the junta and the U.S.

Salvadoran refugees

Fear for their lives and the inability to plant food crops forces many Salvadorans to leave their homes and often their country. Since early 1980 over 10% of all Salvadorans have become refugees. At least 200,000 are displaced within El Salvador and over 300,000 have fled across the borders. The UNHCR estimates that in August 1981 there were 195,000 Salvadoran refugees in Central America, 70,000 in Honduras, 50,000 in Guatemala, and 110,000 in Mexico. About 100,000 to 150,000 have tried to come to the United States.

In El Salvador the entire young generation is suspect. Not joining one side is interpreted as favoring the other side. Many young people who escaped from El Salvador have stated that they found it impossible to stay neutral. But Salvadoran refugees represent all age groups. Many old people and women with children also leave because husbands are fighting or have been killed. Others leave as complete families.

Honduras

El Salvador shares its northern border with Honduras and it is here that a large number of Salvadoran refugees try to leave their country. Crossing the border is hazardous. People areshot routinely by government troops and several massacres have taken place. Salvadoran troops frequently cross into Honduran territory violating the stipulation that the military hardware supplied by the U.S. be used only within their country.

Until late 1981, there were only two concentrations of refugees along the border. Many Salvadorans had put up little shanties and lived among Honduran peasants who were accomodating and helpful to the refugees. Others remained scattered in the hills coming to certain distribution centers only to receive food and perhaps plastic pieces to make roofs. At that time, those centers were the extent of private relief aid, implemented by Mennonites, who worked out of Belice, by World Vision and CARITAS.

During the latter part of 1981 the issue of moving all Salvadoran refugees into two main camps further inland away from the border received considerable attention. The UNHCR had suggested such a move early 1981 for reasons of safety, but the idea was rejected by the Honduran authorities at that time. About August, the Honduran government changed its mind (there is a distinct possibility that it did so under pressure/advice from the U.S. government which seeks full cooperation of all parties to defeat the guerillas) insisted on the move and started implementing it in December 1981.

Refugees along the border, even those within the two camps, are in fact not safe. With the full knowledge of the Honduran camp commander and military, Salvadoran government troops more than once forced people at gunpoint from a camps for execution. Refugees related several such instances and a U.S. visiting team in November experienced two such occurrances (testimonies held by the Sub-committee on Interamerican Affairs of the House Committee on Foreign Affairs, Nov. 17, 81). At that particular time the abductors let their victims go free when team members claimed that the whole world would know about the act if they did kill the refugees.

Though not safe, the refugees in the border areas do not want to leave for a number of reasons. From where they are they can see across the river into El Salvador, thus though not home, they are not far away. Secondly, they are well received by the Honduran peasants and have managed to start growing food and establish some cottage industries. Moving inland would uproot them again. Thirdly, being located near the border they are ready to receive their friends and relatives among the flow of new refugees from El Salvador. Some people also fear that once the camps are moved to the new locations, a less accessible terrain of higher elevation, the refugees will be less under international view than before and that the Honduran and Salvadoran military will feel even freer to harass and kill refugees.

There seems to be little doubt that the motivation of the Honduran government for moving the refugees is not concern over safety. In agreement with the Salvadoran military, the border area is to be cleared of refugees and thus of all possible sympathizers with the guerillas. The creation of a military border zone could increase the likelihood of reprisals against Honduran people who intermingled with the Salvadoran refugees previously, intermarried and helped them in other ways. It could also seriously impede the flow of refugees. The UNHCR has requested to keep open one or two receiving centers for new refugees, but it remains a question as to how effective these can be in providing an escape route.

Most of those Salvadorans who had lived scattered along the border have been moved. The two new camps, one at Mesa Grande, the other at Yamaranguila are both built for a capacity of 12-14,000 persons. According to James Rausch, an attorney who works with Salvadoran refugees on the Texan border and who visited the camps when still incomplete in December, there was a great need for clothing and medicine. Because the new camps are located on a higher altitude and most people come from lower areas, they did not have appropriate clothing. The two French doctors who were there at the time, have left in the meantime, because of threats and harassments. CEDEN, formerly an evangelical committee for national emergency development, but which has now few, if any, people who belong to an organized church, oversees all relief in Honduras. CEDEN officers stated at the time that they would allow no ministry or bibles in the camp, nor were they interested in U.S. medical personnel. They would, however, accept medical supplies provided these were consigned to CEDEN.

Salvadoran refugees in the U.S.

Church World Service estimates that 100-150,000 Salvadorans have tried to come to the U.S., the majority of them crossing the Mexican border into Texas, Arizona and California. While in Mexico, many Salvadorans destroy their Salvadoran identification so that if searched they might pass for Mexicans. Should they return to El Salvador after this point, the lack of their native ID will make them suspect for having been outside the country and possibly received guerilla training.

Because the U.S. government supports the Salvadoran government, it does not recognize that Salvadorans fleeing the violence of their country, are "refugees", and does not grant political asylum to such persons. So far, out of 6,000 applications for political asylum only two have been granted. This treatment of Salvadorans stands in direct opposition to a humane concern for saving lives and is inconsistent with former U.S. policies concerning political asylum. In the past, refugees from other countries of civil war were generously accorded "extended voluntary departure", which means the individuals were allowed to stay in the U.S. and (usually) could seek employment. They were called upon to return to their country only after the situation there had improved. Such extended voluntary departure was granted to Nicaraguans at a time when the situation there did in no way compare to the present dangers in El Salvador. It was also granted to Ethiopians, Afghans, Lebanese and others at various times.

The INS estimates that one person out of ten crossing the borders illegally is apprehended. Illegals who are arrested within a short distance from the Mexican border are immediately returned to Mexico where they are frequently jailed. Conditions in Mexican jails are deplorable and unless the refugees have some money there is no food. People do not die from starvation because they are rarely kept more than ten days in Mexican jails, but women are commonly raped and robbed. After being released from jail they are sent back to Guatemala from where they journey up north may begin again.

Persons apprehended again when crossing the border for the second time, have felony charges brought against them. They then may spend a number of months in county jails which are also known for their conditions of over-crowding, lack of air and survival food rations. Sometimes time in jail produces a state of shock in the refugees but conditions do not compare to those in Mexican jails.

The majority of Salvadorans apprehended for entering the U.S. illegally are intimidated or forced into signing a voluntary departure form. Some refugees have been made to agree to voluntary departure by being kept incomunicado in the detention center, others through threats that they would be separated from their families, or that information would be given to the Salvadoran authorities if they did not sign. Besides a great deal of rough handling, pushing and shouting to intimidate the refugees, the INS personnel rarely tells them, as is legally required, of their right to see a lawyer and to apply for asylum. Should people know of this right, they are often told that if they did apply, their applications would be denied anyway and that they would have to spend a long time in jail. Sometimes the judge refuses outright to accept the application.

Most of the Salvadorans arrested for entering the U.S. illegally are deported quickly. Only 5% are ever given a deportation hearing. In 1980 and 1981 the INS apprehended about 12,000 Salvadorans each year, nearly all of whom were sent back to El Salvador. Salvadorans are sent back in spite of reports that some persons have been arrested and executed upon their return. On at least one occasion deported refugees had their pictures taken and published in a local newspaper upon return and were thus targeted for further discrimination. Passenger lists of deportees are routinely handed over to Salvadoran authorities. In addition to the discrimination and suspicion that comes to returning Salvadorans because they fled the country, the original reasons and fears which caused them to escape in the first place, are usually still valid.

Salvadorans entering the U.S. unnoticed by the INS frequently join existing Salvadoran communities across the country. Estimates of the size of these communities vary widely and can only indicate approximate concentrations of Salvadorans in the U.S.: Los Angeles 200,000; San Francisco 70-100,000; D.C. area 75-80,000; Chicago 15,000; New York 15-70,000. The figure for Salvadorans residing legally in this country in 1980 was a mere 37,000. Given the U.S. policy toward El Salvador, a dramatic increase in this figure since 1980 is unlikely, which means that the vast majority of the people who make up the Salvadoran communities do not have any legal status in the U.S.

Recently the INS has stepped up its efforts to find and apprehend illegal immigrants keeping Salvadorans in constant fear of deportation and possible death. Americans who work with illegal Salvadorans recognize the enormous psychological pressures on these refugees. Without an extended voluntary departure program Salvadorans live a hidden life, exposed to exploitation and intimidation from employers and landlords. Merely filing an application for political asylum, which has little prospect of being granted but at least gives them the legal right to stay until a hearing can transform them overnight.

A small number of lawyers spend a great many working hours to alleviate the plight of the Salvadorans as best as they can, but their resources are extremely limited. They concentrate on filing applications for asylum and freeing Salvadorans on bond if possible. With the present backlog it takes an average of six months until a hearing can be held. Depending on the geographical area, bond ranges between $2,500 and $10,000, which is extremely high given the circumstances and resources of Salvadorans. After political asylum has been denied, the refugees can still appeal, which extends their legal stay to about two years under the present system.

Two bills which, if passed, will affect the status of Salvadoran refugees in the U.S. are under consideration in Congress at this time. One is the extended voluntary departure bill which did not pass Congress before but is about to be reintroduced. The other would change the present formula for processing asylum cases, drastically reducing the time frame. If that bill passes, a lawyer could only advise but not speak for the illegal entrant, and an INS officer, not a judge, would hold a non-reviewable hearing. There would be no appeals. Thus a refugee could exhaust all possible legal means within a month's time.

Salvadoran refugees are in fear of deportation wherever they are in the U.S., but it is in those areas where most of them are apprehended and where deportation is implemented most quickly, that the need is the greatest.

Texas

In the Harlingen area on the Mexican Texan border where an average of 50 Salvadorans are apprehended by the INS per week, three lawyers bear the brunt of legal representation for them. The INS detention center in that area has a capacity for 230 people and holds about 100 to 150 persons at any one time, the great bulk of them from El Salvador. In the camp there are immediate needs for toiletry articles, shoes, etc. Ms. Lisa Brodyaga, attorney, spends about 100 hours a week on legal work for Salvadorans. Since she can enter the detention center only by asking for a specific person by name, refugees inside pass out slips of paper with their names through other clients. There is no shortage of people seeking help. Ms. Brodyaga's partner, Garcia, solicits help from churches and other sources, but word about the situation has not yet reached a wide audience. Resources are scarce and there is always a desperate need for funds to get people out on bond, which in the Texan area is set at $2,500-5,000. Those refugees who can pay do so, but most of the legal work is pro bono.

Of the 3,200 persons who were apprehended last year in Harlingen, the majority has been sent back. A deportation flight leaves the area every time there are enough Salvadorans to fill a plane. Harlingen is quite isolated but is beginning to receive some interest from the outside. Representatives from the National Council of Churches and the National Lawyers Guild as well as from Congress have been there and left with an awareness of the great need of Salvadorans.

Besides the Brodyaga/Garcia practice, the only other lawyer working full time and mostly pro bono in the area is James Rausch. He has been working with juveniles aged 10 to 16 years, trying to get them out of the detention center under the status of "pending political asylum." Mr. Rausch has an understanding with the INS which allows him to place Salvadoran juveniles in foster homes. Most of these young people were apolitical in El Salvador and so far none of them has run away from their foster homes. Because there are so many more juveniles than Mr. Rausch can handle he also has not had the time to make his needs known to a wider public.

Further north, in the Laredo County Detention Center with about 150 to 250 Salvadoran refugees, there is no legal help at all and Salvadorans are consequently deported much more speedily there.

In El Paso the USCC has been very active in counseling and helping Salvadoran refugees. Therefore the needs there may not be as acute as in the other areas described above.

Los Angeles

The Rescate Project, sponsored by church groups, is the most active in providing legal representation for Salvadoran refugees who have been apprehended in the Los Angeles area. A staff member of Rescate estimates that over 200,000 Salvadorans could use Rescate's services, yet there is only one attorney with a small support staff available. Bond in L.A. is set at $5-8,000.

Two detention centers house most of the Salvadorans apprehended by the INS in the area, one at Pasadena, another in El Centro. Conditions in the El Centro detention center are notoriously bad. Diseases are rampant and the center has only one nurse for 500 people. There is no reading material and no new clothing when that of the refugees wears out. Refugees are routinely punished by solitary confinement.

Arizona

Phoenix and Tucson are both strategic crossing points for Salvadorans trying to enter the U.S. but basic help seems to be available through the Manzo Area Council and the Tucson Ecumenical Council in Tucson, and the Valley Religious Task Force on El Salvador in Phoenix.

Conclusions

Much of the research for this report was done prior to reading Mary Solberg's (LIRS) well balanced study. For further inquiry, her study contains many valuable details, especially concerning the reasoning behind the U.S. government's point of view and the handling of Salvadorans by the INS. Our overall judgement is the same and we share the view that a humane concern for the lives of Salvadorans which are endangered upon deportation, should override all political convictions regarding the right and wrong of actions in El Salvador.

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